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# PROBATION DEPARTMENT

# DIRECTIVE

**SUBJECT: JUVENILE - PRISON RAPE ELIMINATION ACT (PREA) FOR JUVENILE INSTITUTIONS BUREAUS (Detention Services and Residential Treatment Services Bureaus)**

The purpose of this Directive is to set forth Departmental policy regarding the Federal Prison Rape Elimination Act (PREA – 2003) and outline the Department's approach to prevent, detect, respond and audit an incident of sexual abuse or sexual harassment of minors housed in our Juvenile facilities (Juvenile Halls and Camps).

The Department is committed to maintaining an environment free from sexual abuse and sexual harassment of minors in our facilities. There is zero tolerance for anyone engaged in any form of sexual abuse or sexual harassment of minors. Sexual abuse and sexual harassment of minors is prohibited by Federal and State law.

**Legal Basis:** Federal Prison Rape Elimination Act (PREA) of 2003

**PREA Definitions:** See Attachment A

**Effective immediately:**

## **PROCEDURES:**

### **PREVENTION**

#### **I. Training and Education:**

1. **Staff training:** All staff who have contact with minors housed in Juvenile Hall/Camp shall be trained on their responsibility under PREA standards:
  - a. New staff shall complete PREA training within their first year of employment
  - b. Each staff shall complete a booster training on PREA every two (2) years from the date of initial training. Annually, PREA shall be reviewed during a Unit meeting as part of the Bureau's booster training. Staff shall sign an acknowledgement (PREA Acknowledgement Form - Prob. 1645, Rev. 1-18) that they understood the training and were allowed to ask questions
  - c. The Department's Staff Training Office (STO) shall monitor the PREA training and provide the PREA Coordinator and Compliance Officers (Juvenile Hall DOJ Supervisor/Camp Assistant Director) with a PREA training compliance report semi-annually
2. **Contract employee/vendor, volunteer and visitor training:** All contract employees/vendors, volunteers and visitors who have contact with minors shall be given the pamphlet, "A Guide to the Prevention of and Reporting of Sexual Abuse and Sexual Harassment of Probation Clients," which contains information on their responsibilities regarding the prevention, detection, and reporting of sexual abuse and sexual harassment. The Compliance Officer (Director / Assistant Director) shall maintain documentation (PREA Acknowledgement Form for

Agency/Volunteer/Visitor – Prob. 1647, Rev. 1-18) as long as services are provided or for four (4) years upon separation of services. The documentation shall confirm the contract employees/vendors, volunteers and visitors understood the training they received

**3. Minor Education:**

- a. During the intake process, the Intake Detention Services Officer (DSO) shall explain the Department's zero tolerance policy regarding sexual abuse and sexual harassment and will have the minor sign the Youth PREA Advisement Form (Prob. 1648, Rev. 1-18). The minor shall be advised how to report incidents or suspicions of sexual abuse or sexual harassment
- b. During intake, the housing unit staff shall discuss and review the Minor Orientation Checklist with the youth. This includes their right to be free from sexual abuse and sexual harassment, the procedure for reporting such incidents and the right to be free from retaliation for reporting such incidents. The unit supervisor shall ensure staff have placed a copy of the Minor Orientation Checklist sign off sheet in his/her behavior chart
- c. The Compliance Officer (Director / Assistant Director) shall ensure youth education materials are available in formats accessible to all youth, including those who are limited English proficient, deaf/hearing impaired, visually impaired, or otherwise disabled, as well as to youth who have limited reading skills
- d. The Compliance Officer (Director / Assistant Director) shall ensure the information is continuously and readily available or visible to youth through posters or other written formats
- e. The PREA Coordinator shall provide the material referenced above to the Compliance Officers (Director / Assistant Director)

**4. Medical and Mental Health Care:**

- a. All medical and mental health staff shall be trained in:
  - How to detect and assess signs of sexual abuse and sexual harassment
  - How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment
  - How and who to report allegations or suspicions of sexual abuse and sexual harassment
- b. The Compliance Officer (Director / Assistant Director) shall maintain documentation (PREA Acknowledgement Form for Medical/Mental Health – Prob. 1646, Rev. 1-18 that medical and mental health staff have received PREA training

**B. Supervision and Monitoring:**

1. Facility managers, through the Duty Supervisor, shall maintain adequate staffing to ensure the safety and security of the youth. Where applicable, video monitoring shall be used to assist in monitoring and in protecting minors against sexual abuse

or sexual harassment. In calculating adequate staffing levels, facility managers and duty officers shall take into consideration the following:

- Generally accepted detention and correctional practices
  - Any judicial findings of inadequacy
  - Any findings of inadequacy from Federal investigative agencies
  - Any findings of inadequacy from internal or external oversight bodies
  - All components of the facility's physical plant (including "blind-spots" or areas where staff or youth may be isolated)
  - Composition of the juvenile facility population
  - Number and placement of supervisory staff
  - Facility programs occurring on a particular shift
  - Any applicable State or local laws, regulations, or standards
  - Prevalence of substantiated and unsubstantiated incidents of sexual abuse
  - Any other relevant factors, including mandated Title 15 standards
2. Duty Supervisor shall comply with the staffing plan except during exigent circumstances. The Duty Supervisor shall document when the staffing ratio falls below Title 15 standards and shall notify the Superintendent/Regional Manager. This information shall be forwarded to the applicable Bureau Chief (DSB/ RTSB) and the PREA Coordinator
3. Whenever necessary, but no less frequently than annually, facility managers and the PREA Coordinator shall review and assess whether adjustments are needed to:
- Established staffing plan
  - Prevailing staffing patterns
  - Facility's deployment of video monitoring systems and other monitoring technologies
  - Resources the facility has available to commit to ensure adherence to the staffing plan.
4. Duty Supervisor shall make unannounced rounds throughout the shift and document the times rounds were made in the duty log/shift notes. Staff shall not alert other staff members that the duty officer's unannounced rounds are occurring unless such an announcement is related to the legitimate operational functions of the facility

**C. Limits to cross-gender viewing and searches:**

1. Staff of the opposite gender shall announce their presence when entering a housing unit
2. All minors shall be able to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or

genitalia, except in exigent circumstances or when such viewing is incidental to safety checks

3. Duty Supervisor shall make the determination whether a transgender minor may be searched by a staff of the opposite sex. In deciding whether to approve the search of a transgender or intersex minor, the Duty Supervisor shall consider on a case by case basis, whether a search by staff of the Duty Supervisor's choosing, would present management or security problems
4. Staff shall not search or examine a transgender or intersex minor to determine the minor's genital status. If the minor's genital status is unknown, it may be determined through conversations with the minor, by reviewing medical records, or if necessary, by discovery as part of a broader medical examination conducted in private by a medical practitioner

*\* All searches shall be conducted in compliance with Directive 1056, issued 9/1/05: Strip Search and Visual Body Cavity Search Procedures \**

- D. Accommodating youth with special needs:** The Compliance Officer (Director / Assistant Director) shall take appropriate steps to ensure minors with disabilities (for example, youth who are deaf or hearing impaired, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to participate in or benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include effective communication with minors who are deaf or hearing impaired, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the PREA Coordinator shall ensure written materials are provided in formats or through methods that ensure effective communication with minors with disabilities, including minors who have intellectual disabilities, limited reading skills, or who are blind or have low vision. Youth interpreters, youth readers, or other types of youth assistants shall not be relied on except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise a minor's safety, the performance of staff's duties or the investigation of a minor's allegation
- E. Upgrades to facilities and technologies:** When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the facility managers and/or project manager shall consider the effect of the design, acquisition, expansion, or modification on the Department's ability to protect youth from sexual abuse or harassment. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the facility managers and/or project manager shall consider how such technology may enhance the department's ability to protect minors from sexual abuse or sexual harassment
- F. Third-Party Reporting:** Each facility, at its entrance, lobby, or area in which the public has access, shall list the phone numbers of the Juvenile Hall/Camp with

instructions on how to report sexual abuse and sexual harassment

### **DETECTION**

#### **A. Screening for Risk of Sexual Victimization and Abusiveness:**

1. During the Juvenile Hall intake process, all minors shall be screened using the Probation Electronic Medical Records System (PEMRS) Initial Intake Screening form, subsection: PREA Assessment. Should a Minor be identified as Vulnerable to Victimization (VV), Sexually Aggressive Behavior (SAB), or Violent Aggressive Behavior (VAB), then the Youth shall be referred to the IBMP (Individualized Behavior Management Plan) coordinator and assessed every 90 days thereafter *(in compliance with Directive 1143, issued 9/17/07, Individualized Behavior Management Plan)*. Staff and supervisors shall take precautionary measures when there are VV, SAB and VAB minor housed in the same unit
2. When obtaining information during the intake process and the minor indicates he/she has experienced prior sexual victimization or perpetrated sexual abuse, whether in an institutional setting or in the community, intake staff shall submit a mental health referral and notify the medical unit staff and follow the process outlined in Directive 1187, issued 1/29/10
3. Intake staff shall advise the Duty Supervisor that a mental health referral was submitted. The Duty Supervisor shall make an entry in the Duty Supervisor log and contact mental health to follow up on the referral. Medical staff shall follow up with the minor during the minor's health assessment
4. Within 24 hours, mental health shall sign and date the mental health referral at the conclusion of their follow up
5. A mental health evaluation of all known youth-on-youth abuse who have reported abuse history shall be conducted within 24 hours of the reported abuse history and, when deemed appropriate by mental health practitioners, treatment shall be offered

#### **B. Classification:**

1. Minors may be separated from others by being placed on administrative separation status if separation is needed for the safety of the youth. Separated minors shall be assessed by medical or mental health practitioners on a daily basis
2. Documentation for minor who are placed on administrative separation status shall include the facility's concern for the minor's safety and the reason why no alternative means of separation can be provided
3. Minors placed on administrative separation status shall be reviewed every 30 days to determine whether there is a continuing need for separation from the general population
4. Lesbian, gay, bisexual, transgender, or intersex minors shall not be placed in a particular housing, bed, or other assignment solely on the basis of such

identification or status. The facility managers or designee shall make the final determination whether a transgender minor may be housed with males or with females

5. In deciding whether to approve a transgender or intersex minor to a unit for male or female youth, the facility managers or designee shall consider, on a case by case basis, whether a placement would ensure the minor's health and safety, and whether the placement would present management or security problems
6. The continued placement and programming assignment for each transgender or intersex minor shall be reviewed by the unit supervisor as needed or at least weekly for safety/security issues
7. A transgender or intersex minor's own view with respect to his or her safety shall be considered
8. Transgender and intersex minors shall be given an opportunity to shower separately from other minors

*\*Classification of youth housed in juvenile hall and camp, shall remain consistent with the specialized supervision plan outlined in Directive 1188, issued 12/15/10 Enhanced and Specialized Supervision.\**

### **RESPONSE:**

#### **A. Reporting Sexual Abuse or Sexual Harassment:**

1. **Minors:** Minors, who are the victim or have knowledge, suspicion, or information regarding sexual abuse or harassment, may report through the following means:
  - Grievance procedure
  - Directly to staff, contractors, volunteers or visitors
  - Mental Health referral
  - Medical referral
  - Contacting the ombudsman
2. **Contract employees/vendors, volunteers, or visitors:**
  - a. Report immediately to the Duty Supervisor and, if appropriate, document any knowledge, suspicion, or information regarding
    - An incident of sexual abuse and sexual harassment that occurred in the Facility or in another facility
    - Retaliation against minors or staff who reported such incidents;
    - Any staff neglect or violation of responsibilities which may have contributed to an incident or retaliation
    - Any information that a youth may be at substantial risk of sexual abuse
  - b. If the reporting party is a mandated reporter and the incident falls under the Sexual Abuse definition, complete a Suspected Child Abuse Report (SCAR).

#### **3. Supervising Deputy Probation Officers (SDPOs)/Deputy Probation Officer**

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(DPO) Is and IIs/Supervising Detention Services Officers (SDSOs)/Senior Deputy Probation Officer (Sr. DSOs)/Detention Services Officers (DSOs)/Group Supervisor, Nights (GSNs):

a. Report immediately to the Duty Supervisor and document any knowledge, suspicion, or information regarding

- An incident of sexual abuse and sexual harassment that occurred in the facility or in another facility
- Retaliation against minors or staff who reported such incidents;
- Any staff neglect or violation of responsibilities which may have contributed to an incident or retaliation
- Any information a youth may be at substantial risk of sexual abuse

b. **Sexual abuse:**

- Separate the victim from the abuser
- Assess the victim. If a life threatening condition exists, call 911 emergency
- Preserve and protect the crime scene until appropriate steps can be taken to collect any evidence. Physical evidence can be obtained up to 120 hours after an incident of abuse has occurred. If an incident is reported within that time frame, ensure the victim does not take any actions that could destroy physical evidence. This includes showering or washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating
- Complete a Suspected Child Abuse Report (SCAR) and submit it to the Duty Supervisor prior to the conclusion of the shift
- Document the information in a Special Incident Report (SIR) and submit it to the Duty Supervisor prior to the conclusion of the shift

c. **Sexual harassment:**

- Intervene and stop the harassment;
- Separate the youth from the harasser; and
- Document the information in a SIR and submit to the Duty Supervisor.

4. **Duty Supervisor responsibilities:**

a. **Sexual abuse:**

- Immediately respond to the scene and review the assessment of the victim;
- Ensure the victim is separated from the alleged perpetrator. Isolate the alleged perpetrator or place the alleged perpetrator in a dry cell to help preserve evidence. **Do not interview the alleged perpetrator**
- Determine if the elements of a sexual abuse incident are present. If so, contact the Facility managers and provide a detailed assessment of the situation
- Contact the local law enforcement agency of jurisdiction to initiate a criminal investigation
- Prepare a Preliminary Incident Notification (PIN) and forward to the applicable Bureau Chief(DSB/ RTSB)
- Request medical and mental health staff to respond. Ensure the victim receives on-site medical and mental health care, as needed, prior to

- transporting the victim to the hospital
  - Contact Area Rape Crisis Center at 951-686-7273 and request for a victim's advocate to respond to the Juvenile Hall or Camp
  - Collect SIR's from all staff involved prior to the end of their shifts
  - Ensure mandated reporters complete a Suspected Child Abuse Report (SCAR)
  - Ensure the victim's attorney of record is notified of the allegation
  - b. Sexual harassment:**
    - Ensure staff separate the victim from the harasser
    - Prepare a PIN and forward to the applicable Bureau Chief (DSB/ RTSB)
- 5. Facility manager's responsibilities:**
- a. Sexual abuse:**
    - Notify the applicable Bureau Chief (DSB/RTSB)
    - Refer incident to the Special Investigation Unit (SIU)
    - Ensure the victim's parents or legal guardians are notified within 24 hours of incident. If the victim's guardianship is with the Department of Children and Family Services (DCFS), ensure the caseworker is notified
  - b. Sexual Harassment:**
    - Notify the applicable Bureau Chief (DSB/RTSB)
    - Refer incident to SIU
- 6. Special Investigation Unit (SIU) responsibilities:**
- a.** Respond to allegations of sexual abuse or sexual harassment by staff by assigning appropriately trained investigators to conduct an administrative investigation
  - b.** Ensure Department investigators have received the following training:
    - How to conduct investigations of sexual abuse in confinement facilities
    - Interviewing techniques for sexual abuse victims
    - Proper use of Miranda and Garrity warning
    - Sexual abuse evidence collection in confinement settings
  - c.** Maintain documentation that the required training has been completed
  - d.** Maintain communication with the local law enforcement agency conducting the criminal investigation to assist with the administrative investigation
  - e.** An investigation shall not be terminated even if the source of the investigation recants, resigns or is released from custody
  - f.** Minors who report sexual abuse shall not be required to submit to a polygraph or other truth verification devices as a condition to proceed with an investigation
- 7. Compliance Officer's (Director / Assistant Director) responsibilities:**
- a. Sexual abuse incident review:** Within 30 days of a sexual abuse investigation, the Compliance Officer (Director / Assistant Director) shall

convene an incident review panel comprised of the PREA Coordinator, the Compliance Officer (Director / Assistant Director), a line supervisor, and medical or mental health staff. The purpose of the panel is to determine:

- If a change in policy or practice is needed to better prevent, detect, or respond to sexual abuse
  - If the incident was motivated by race, ethnicity, gender, identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, gang affiliation, or was motivated or otherwise caused by a group's dynamics at the facility
  - If staffing patterns or physical barriers contributed to the abuse
  - If the use of technology could have supplemented supervision
- b. Compliance Officer (Director / Assistant Director) shall submit the panel's findings to the applicable Bureau Chief (DSB/RTSB). The facility shall implement recommended changes or document reasons for not implementing changes
- c. The Compliance Officer (Director / Assistant Director) shall monitor for retaliation against a minor or staff who reported sexual abuse or harassment or who cooperated with a sexual abuse or sexual harassment investigation. If there is a continued need to monitor past 90 days, the PREA Coordinator and the applicable Bureau Chief (DSB/RTSB) shall be notified
- d. The Compliance Officer (Director / Assistant Director) shall employ necessary protection measures, such as housing unit changes or transfers, removal of alleged staff or a minor's abusers from contact with victims and emotional support services for a minor or staff who fear retaliation for reporting sexual abuse or harassment or for cooperating with an investigation.
- e. For at least 90 days following a report of sexual abuse, the Compliance Officer (Director / Assistant Director) shall:
- Monitor the conduct or treatment of a minor or staff who reported the sexual abuse and of minors who were reported to have suffered sexual abuse to determine if there are changes which may suggest possible retaliation by minors or staff
  - Act promptly to protect against retaliation
  - Monitor a minor's disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff
  - Continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need; and
  - In cases of an extension, notify the PREA Coordinator and applicable Bureau Chief (DSB/RTSB)
- f. The monitoring requirement shall be terminated if it is determined the allegation was unfounded
- g. Ensure youth have access to outside victim advocates for emotional support services by posting toll free hot line numbers to Rape Crisis Centers

**8. Medical and Mental Health Care responsibilities regarding sexual abuse:**

- a. Each facility shall offer medical and mental health evaluations and appropriate treatment to all youth who have been victimized in a Los Angeles County Probation facility
- b. The evaluation and treatment shall include follow-up services, treatment plans, and when necessary, referrals for continued care upon their transfer to or placement in other facilities and or upon their release from care
- c. Medical and mental health services shall be consistent with the level of community care
- d. A minor who is a victim of vaginal penetration while in the Department's facilities shall be offered pregnancy tests. If the youth tests positive for being pregnant, the minor shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services
- e. Minors who are victims of sexual abuse while in the Department's facilities shall be offered tests for sexually transmitted diseases
- f. Treatment services shall be provided to the minor without financial cost and regardless of whether the minor names the abuser or cooperates with any investigation arising from the incident

**B. Discipline:**

**1. Minor:**

- a. The disciplinary process shall consider whether a minor's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed
- b. A report of sexual abuse made in good faith based upon a reasonable belief the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation
- c. Sexual activity between youth in juvenile facilities is prohibited and is subject to disciplinary actions for such activity. The department may not, however, deem such activity to constitute sexual abuse if it determines the activity is not coerced

**2. Staff:**

- a. Staff shall be subject to disciplinary sanctions up to termination for violating this policy
- b. Termination shall be the presumptive disciplinary sanction for staff who engage in sexual abuse

**3. Corrective Actions for Contract employees/vendors, volunteers and visitors:**

- a. Any contract employee/vendor, volunteer or visitor who engages in sexual abuse shall be prohibited from contact with youth in the department's facilities. They shall be reported to relevant licensing bodies

- b. Corrective action shall be taken for those who engage in sexual harassment of a minor in a Department facility. The Facility managers will determine whether contact with the youth is prohibited
  - c. In case of contract employees and vendors, the department shall report such incident to the contractor/service provider and demand corrective action. A failure to comply to the Department's satisfaction could result in a termination of the contract agreement
- 4. Advisement of disposition of a sexual abuse investigation:**
- a. At the completion of the investigation, the minor who are still detained shall be notified whether their allegation of sexual abuse was substantiated, unsubstantiated, or unfounded.
  - b. Unless the allegation was unfounded, the victim shall be notified in writing of the following:
    - If the staff member will be posted in the minor's unit
    - If the staff member remains employed at the facility
    - If the staff member or minor alleged as the perpetrator has been indicted and convicted on the allegations
  - c. Notification shall be documented, signed by the minor and placed in the his/her Behavior Chart.

#### **DATA COLLECTION:**

##### **A. Data Collection:**

1. The Compliance Officer (Director / Assistant Director) shall complete the Survey of Sexual Violence Incident Form (Juvenile) for each allegation of sexual abuse and sexual harassment involving staff, except for those unfounded. The completed survey shall be forward to the PREA Coordinator. The form is located at: <https://harvester.census.gov/ssv/#>
2. No later than June 30<sup>th</sup> each year, the PREA Coordinator shall provide the data from the previous calendar year to the Department of Justice.

##### **B. Data Review for Corrective Action:**

1. Annually, the PREA Coordinator and Compliance Officers (Director / Assistant Director) shall review collected data in order to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training, including:
  - Identifying problems
  - Taking corrective action on an ongoing basis
  - Preparing an annual report of its findings and corrective actions
2. The report shall include a comparison of the current year's data and corrective actions from the prior years. It shall provide an assessment of the Department's progress in addressing sexual abuse. The Chief Probation Officer (CPO) shall

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approve the report. The PREA Coordinator shall redact personal identifiers and specific material from the reports should publication present a clear and specific threat to the safety and security of the facility

**C. Data Storage, Publication, and Destruction:**

1. The PREA Coordinator shall secure and retain all data collected regarding sexual abuse and sexual harassment for a minimum of 10 years unless Federal, State or local laws require otherwise
2. The PREA Coordinator shall ensure all aggregated sexual abuse data from the department's facilities are posted annually on the department's website

All questions and inquiries regarding this Directive should be directed to the appropriate Bureau Consultant (Detention Services Consultant at 562.940.2523 or Residential Treatment Services Consultant at 562.940.3554).



David Mitchell, Acting Deputy Chief  
Residential Treatment Bureau



Luis Dominguez, Acting Deputy Chief  
Detention Services Bureau

## **PREA Definitions**

### **Sexual Abuse (Section 115.6)**

- Sexual abuse of a youth by another youth includes any of the following acts if the victim: 1) does not consent; 2) is coerced into such an act by overt or implied threats of violence or; 3) is unable to consent or refuse:
  - Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - Contact between the mouth and the penis, vulva, or anus;
  - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
  - Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- Sexual abuse of a youth by a staff member, contract employee/vendor, volunteer, or visitor includes any of the following acts:
  - Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - Contact between the mouth and the penis, vulva, or anus;
  - Contact between the mouth and any body part with the intent to abuse, arouse, or gratify sexual desire;
  - Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;
  - Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;
  - Any attempt, threat, or request to engage in the activities described above;
  - Any display of genitalia, buttocks, or breast in the presence of youth; and
  - Voyeurism.

### **Sexual Harassment**

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.
- Repeated verbal comments or gestures of a sexual nature to a youth by a staff member, contract employee/vendor, volunteer, or visitor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

### **General Definitions (Section 115.5)**

**Compliance Officer (Section 115.311):** each facility shall designate a Compliance Officer to coordinate the facility's efforts to comply with PREA standards.

**Contract employee/vendor:** a person who provides service on a recurring basis pursuant to a contractual agreement with the department.

## PREA Definitions

**Exigent circumstances:** temporary and unforeseen circumstances that require immediate action.

**Gender non-conforming:** a person whose appearance or manner does not conform to traditional societal gender expectations.

**Intersex:** a person whose sexual reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

**Mandated child abuse reporter:** Pursuant to Penal Code Section 11166, any person who, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes child abuse or neglect.

**PREA Program Coordinator (Section 115.311):** a management level staff with sufficient time and authority to develop, implement, and oversee the department's efforts to comply with PREA standards.

**Secure juvenile facility:** a facility in which movement and activities of youth may be restricted or subject to control through the use of physical barriers or staff supervision. A facility that allows youth access to the community to achieve treatment or correctional objectives, such as educational or employment programs typically will not be considered to be a secure juvenile facility.

**Security staff:** staff primarily responsible for the supervision and control of youth in housing units, recreational or program areas of the facility.

**Substantiated allegations:** an allegation that was investigated and determined to have occurred.

**Transgender:** a person whose gender identity (i.e., internal sense of feeling male or female) is different from their physical gender identification.

**Unfounded allegations:** an allegation that was investigated and determined not to have occurred.

**Unsubstantiated allegations:** an allegation that was investigated and determined that insufficient evidence existed as to whether or not the event occurred.

**Visitors:** a person who is granted access to see or spend time with a youth in an official/professional capacity, such as an attorney, clergy, social worker, CASA worker, law enforcement official or therapist.

**Voyeurism:** an invasion of privacy of a youth for reasons unrelated to official duties, such as peering at a youth who is using a toilet in his or her cell; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.

## **PREA Definitions**

**Volunteer:** an individual who donates time and effort to enhance the activities and the programs of the department.

# Los Angeles County Probation Department

## Probation Staff PREA Acknowledgment Form

On \_\_\_\_\_, I was enrolled in PREA Prison Rape Elimination Act training. I understood the training and was allowed to ask questions about the material.

Please check one that applies

- ☐ Training
- ☐ Booster

Date:

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Signature:

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# Los Angeles County Probation Department

## Mental Health, Medical, and LACOE Staff PREA Acknowledgment Form

On \_\_\_\_\_, I was enrolled in PREA Prison Rape Elimination Act training. I understood the training and was allowed to ask questions about the material.

Please check one that applies

- ☐ Training
- ☐ Booster

Date:

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Signature:

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# Los Angeles County Probation Department

The Los Angeles County Probation Department has a zero tolerance standard for all forms of sexual conduct including sexual harassment, between clients, staff, volunteers, contractors and visitors. This zero tolerance on sexual conduct applies to all facilities and programs providing services to clients under the jurisdiction of the Los Angeles County Probation Department

Any person who violates the above standard will be charged with the appropriate violation. For those found guilty, they will receive the fullest sanction and the case may be referred for criminal prosecution.

## What Should be Reported

- Acts that involve client sexual misconduct (Clients are any person under the jurisdiction of the Los Angeles County Probation Department)
- Any behavior of a sexual nature directed towards a client by an employee, volunteer, official visitor, or agency representative
- All completed, attempted, threatened, or requested sexual acts with any client
- Any incident of intentional touching with the intent to abuse, arouse, or gratify sexual desire
- Incidents of indecent exposure, invasion of privacy, or sexual gratification, or voyeurism
- Any form of sexual harassment or discrimination is prohibited

## How to Report Inappropriate Sexual Conduct

If you become aware of information regarding inappropriate sexual conduct or threats made to a client you must notify a Probation Department employee of the information. All reported incidents are investigated.

## Prevention

The following are behaviors or red flags that may signal you or someone you work with is in danger of engaging in sexual misconduct with a client:

- Deviating from agency policy for the benefit of a particular client
- Sharing personal information with a client
- Doing favors for a client
- Flirting with a client
- Failure to report inappropriate behavior by a client

Some staff don't think of clients as "victims" of staff sexual misconduct, especially when the client appears to be a willing participant or even initiated the sexual or 'romantic' interactions with a staff member. The client is always the victim because of the imbalance of power. The consent or willingness of a client to participate may be a survival strategy or a learned response to previous or current victimization. As the person in authority, it is your responsibility to discourage, refuse and report any overtures as well as maintain professional boundaries at all times.

*I acknowledge Los Angeles County Probation Department's zero tolerance for sexual abuse. I understand all allegations of sexualized conduct will be investigated I must report any suspected sexual abuse to a Probation Department employee.*

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Print Name

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Signature

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Agency Name

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Date

# Los Angeles County Probation Department

## **PREA ZERO Tolerance!**

The Los Angeles County Probation Department has a ZERO TOLERANCE for all forms of sexual misconduct involving a youth and another youth, or youth and staff, volunteers, contractors, or visitors.

### **WHAT ARE EXAMPLES OF SEXUAL ABUSE/HARASSMENT**

Grabbing, touching or pinching  
Calling out dirty names  
Passing sexual notes or pictures  
Grabbing someone's buttocks  
Starting sexual rumors or telling stories about someone  
Writing sexual graffiti about someone  
Threats or insults  
Bumping into someone or brushing up against the person  
Standing in someone's way or standing too close  
Comments about a person's body  
Whistles or rude noises  
Staring at someone's body  
Gestures or looks-winking, licking lips or suggestive body movements  
Exposing your genitals or buttocks  
Pulling down someone's pants as a joke  
Requests for sex, assault, or rape

I \_\_\_\_\_, understand the PREA Zero Tolerance Policy  
Print

DATE:

Signature:

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